



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,755	11/12/2001	Kazuo Morita	103831-485-DIV	7083
23622 7590 01/09/2007 RICHARD I. SAMUEL, ESQ. GOODWIN PROCTER, LLP 599 LEXINGTON AVE. NEW YORK, NY 10022			EXAMINER TRIEU, THERESA	
			ART UNIT 3748	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
2 MONTHS		01/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/054,755

Applicant(s)

MORITA, KAZUO

Examiner

Theresa Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the applicant's amendment filed on Oct. 17, 2006

Claims 1 and 3 have been amended. Claim 2 has been canceled. Thus, claims 1 and 3 are pending in this application.

Applicant's cooperation in correcting the informalities in the specification is appreciated. However, a few minor informalities contain in the specification.

Election/Restrictions

1. This application is in condition for allowance except for the presence of claims 4 and 5 directed to species non-elected without traverse filed on Nov. 21, 2005. Accordingly, claims 4 and 5 should be cancelled.

Specification

2. The disclosure is objected to because of the following informalities:

- Page 2 (see amendment filed on Oct. 17, 2006), line 2, "Please replace paragraph [0091] with the following rewritten paragraph:--[0091] As shown in FIG. 5" should be changed to -- Please replace paragraph on page 17, line 15 with the following rewritten paragraph: -- As shown in FIG. 5--; Page 2 (see amendment filed on Oct. 17, 2006), line 23, "Please replace paragraph [0096] with the following rewritten paragraph: -[0096] With the construction of FIG. 6" should be changed to -- Please replace paragraph on page 20, line 4 with the following rewritten paragraph: --With the construction of FIG. 6 --; Page 3 (see amendment filed on Oct. 17, 2006), line 6, "Please replace paragraph [0098] with the following rewritten paragraph:--[0098] Upon washing the pumping chamber" should be changed to -- Please replace paragraph on page 20, line

Art Unit: 3748

24 with the following rewritten paragraph: -- Upon washing the pumping chamber --;
Page 3 (see amendment filed on Oct. 17, 2006), line 24, "Please replace paragraph [0103]
with the following rewritten paragraph: --[0103] By constantly supplying" should be
changed to -- Please replace paragraph on page 22, line 16 with the following rewritten
paragraph: -- By constantly supplying -- (see specification filed on Nov. 12, 2001 and the
amendment to the specification filed on Oct. 17, 2006).

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: page 5, line 5, "1. A rotary pump comprising" should be deleted (see amendment filed on Oct.17, 2006). Appropriate correction is required.

Allowable Subject Matter

4. Claims 1 and 3 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: applicant's amendments to the claims and arguments (presented in the Remarks section, pages 8 - 10) have overcome the cited prior art.

Conclusion

5. This application is in condition for allowance except for the following formal matters: as set forth above

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Art Unit: 3748

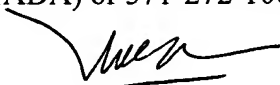
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT
December 30, 2006



Theresa Trieu
Primary Examiner
Art Unit 3748